

Public Participation

As in past rulemaking actions, EPA strongly encourages full public participation in the development and assessment of information that will be used in developing a final rule. In particular, comment is invited on the draft analysis and other supporting information identified above. For those submitting comments, whenever possible, full supporting rationale, data, and detailed analyses should be submitted to allow EPA to make maximum use of the comments.

EPA will make a presentation highlighting its sequencing analysis and some other key portions of the rulemaking. After EPA's presentation, attendees will be encouraged to ask questions and make oral presentations. Any person desiring to present testimony at the public workshop should notify the contact person listed above of such intent at least seven days before the workshop. The contact person also should be provided an estimate of the time required for the presentation of the testimony and notification of any need for audio/visual equipment. A sign-up sheet will be available at the registration table the morning of the workshop to schedule the order of testimony.

EPA suggests that enough copies of the statement or material for presentation be brought to the workshop for distribution to the audience. In addition, it will be helpful for EPA to receive an advance copy of any statement or material for presentation before the scheduled workshop date, for EPA staff to give such material full consideration. The official record of the workshop will be kept open for 14 days following the workshop to allow submission of rebuttal and supplementary testimony.

Mr. Richard D. Wilson, Director of the Office of Mobile Sources, will be the presiding officer of the workshop. The workshop will be conducted informally, and technical rules of evidence will not apply. A court reporter will be present at the workshop to make a transcript of the proceedings and a copy will be placed in the docket. Anyone desiring a copy of the transcript should make individual arrangements with the court reporter at the time of the workshop.

Dated: December 10, 1991.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 91-30086 Filed 12-16-91; 8:45 am]

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40 CFR Part 300

[FRL-4037-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete Westline Site from the National Priorities List; Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete the Westline Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendment and Reauthorization Act of 1986, Public Law Number 99-499 (CERCLA), as amended 42 U.S.C. Section 9605 EPA and the Commonwealth of Pennsylvania have determined that all appropriate CERCLA actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the Commonwealth have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning this Site may be submitted on or before January 16, 1992.

ADDRESSES: Comments may be mailed to Roy Schrock, Remedial Project Manager, Superfund Branch, (3HW22), Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107.

Comprehensive Information on this Site is available through the Region III public docket which is available for viewing at the Westline Site information repositories at the following locations:

McKean County Courthouse, McKean County Planning Office, Main Street, Smethport, PA 16749

Bradford Area Public Library, 27 Congress or 67 West Washington, Bradford, PA 16701

Westline Firehall, Westline, PA 16751

FOR FURTHER INFORMATION CONTACT: Roy Schrock, U.S. EPA Region 3, 841 Chestnut Street, Philadelphia, PA 19107, (215) 597-0913.

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I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete a site from the National Priorities List (NPL), appendix B, of the National Oil and Hazardous Substances Contingency Plan ("NCP"), 40 CFR as amended, and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be remediated using the Hazardous Substances Superfund. As described in § 300.425(e)(3) of the NCP, any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

EPA plans to delete the Westline Site in Lafayette Township, McKean County, Pennsylvania from the NPL.

EPA will accept comments on this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the Westline Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Amendments to the NCP published in the **Federal Register** on March 8, 1990 (55 FR 8666) establish the criteria the Agency uses to delete sites from the NPL. Section 300.425(e) of the NCP, 40 CFR 300.425(e), provides that releases may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

In addition to the above, for all remedial actions which result in hazardous substances, pollutants, or

contaminants remaining at the site above levels that allow unlimited use and unrestricted exposure, it is EPA's policy that sites generally review has been conducted following completion of all remedial actions at a site (except operations and maintenance), any appropriate actions have been taken to ensure that the site remains protective of public health and the environment, and the site meets EPA's deletion criteria as outlined above.

The Remedial Action implemented at the Westline Site involved excavation of the largest tar lagoon and some of the underground deposits of the tar along the creek. The excavated materials were transported to an offsite incinerator for treatment and disposal. Following the remediation activities, EPA developed a guidance document for risk calculations and the Agency revised the risks associated with the polynuclear aromatic hydrocarbons (PAHs). When the risk calculations were revised it was determined that the contaminants were removed from the Site allowing for unlimited use and unrestricted exposure. Consistent with OSWER Directive 9355.7-02, a five-year review is not necessary at the Westline Site because hazardous materials remaining on site allow for unlimited use and unrestricted exposure.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP proposed on December 21, 1988 (53 FR 51394).

The following procedures were used for the intended deletion of this Site: (1) That EPA Region III has prepared the relevant documents, (2) the Commonwealth of Pennsylvania has concurred with the deletion decision, (3) a notice has been published in local newspapers and has been distributed to appropriate Federal, state and local officials, and other interested parties, and the starting date of the 30-day public comment period, and (4) all relevant documents have been made available in the local site information repositories.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for information purposes and to assist Agency management. As mentioned in section II

of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this site, EPA's Regional Office will accept and evaluate public comments before making the final decision to delete.

A deletion occurs when the Regional Administrator places a notice in the **Federal Register**. Generally the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional Office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this site from the NPL.

Westline Site, Lafayette Township, McKean County, Pennsylvania

The Westline Site is located in the rural town of Westline, McKean County, Pennsylvania. The town is situated along Kinzua Creek and is completely surrounded by the Allegheny National Forest. Approximately 100 people reside in the town Westline at present.

During the period from 1901 to 1952 a chemical company operated in Westline converting wood into charcoal, methanol and acetic acid. A tar-like waste was generated by the chemical process and deposited onto the ground, eventually forming several lagoons. Chemical analysis of the tar reveals phenol, 2,4-dimethylphenol and polynuclear aromatic hydrocarbons (PAHs). Today, all that is left of the chemical plant is the foundation. The office of the former plant is now a restaurant and bar, which has been named the Westline Inn.

The Site Inspection (SI) occurred in 1982 and the Site was listed on the NPL in 1983. In February of 1983 EPA Region III began an immediate removal action at the Site. In April 1983 the largest lagoon of tar deposits, located in the parking lot of the Westline Inn, was capped to prevent offsite migration. By August, 1983 it became apparent that the clay cap was inadequate and excavation and removal of the tar material was necessary. Variations in temperature and the water table level caused the tar to seep out from under the capped area. Therefore, excavation began in August, 1983. Two thousand tons of tar and contaminated soil were removed from the Site by CECOS International, Inc. and taken to CECOS' disposal site in Niagara Falls, New York. The removal action was

completed on or about September 14, 1983.

The remedial action began in March of 1983 when a work assignment was issued to NUS Corporation. NUS prepared a Remedial Action Master Plan (RAMP) in October 1983. The RAMP summarized all previous information. By August of 1984, NUS prepared a work plan for the remedial Investigation/Feasibility Study (RI/FS). NUS installed monitoring wells and collected groundwater samples from the monitoring well and from several residential wells. They collected surface water and sediment samples from Kinzua Creek and from the small tributaries on the Site. They collected fish samples and benthic organism from the creek. They also collected soil samples from the surface and subsurface areas throughout the Site.

The results of this sampling effort revealed two areas where health risks were of concern. The waste tar on Site contained phenols and PAHs at levels which could cause a direct contact threat to the residents in the town of Westline, particularly small children who might come into contact with the larger lagoons on the Site. The other concern was found in groundwater. In one of the monitoring wells behind the Westline Inn, possibly gasoline-related compounds were found which did not seem to be directly related to the tar like materials that caused the Site to be listed on the NPL. Specifically, benzene was found at 80 ppb which clearly exceeded the maximum concentration levels (MCL) of 5 ppb.

NUS completed the RI/FS reports by July of 1986 and a Record of Decision (ROD) was signed on July 3, 1986. This ROD called for excavation of the waste tar/soil mixture and for offsite incineration of the materials. The ROD also required a groundwater verification study of the "non tar-related" compounds found during the RI.

The community relations activities conducted during the period of this ROD included the released of the documents used in the decision making process and a public meeting which was held a few weeks prior to the signing of the ROD. Public reaction to the EPA investigation was somewhat surprising. The general attitude was that the tar was not really that much of a problem: the public did not understand why the Agency was spending so much money investigating the tar which has been there for so many years. A majority of the residents did not think that the excavation and offsite incineration were necessary. Some felt, however, that if EPA's actions

would protect the future environment of their town then they could agree with such actions.

The groundwater verification study and the remedial design work assignment for offsite incineration began in the fall of 1986. EBASCO/NUS prepared the work plans and conducted the additional field studies in the summer of 1987. The groundwater verification study report was issued in December of 1987 and a second ROD was signed on June 29, 1988. The groundwater RI showed that benzene was still present in the well behind the Westline Inn and in one other new well installed downgradient from the contaminated well; the concentrations in the well behind the Inn had decreased from 80 ppb to 60 ppb and the new well showed only 9 ppb. The ROD stated that concentrations of benzene were decreasing with time and that the aquifer should flush out the contaminants within five to ten years. Therefore, a No Action Alternative with continued monitoring was selected. The wells are to be monitored for a period of five years.

Another important factor in this decision was that none of the residents were using the groundwater for drinking purposes. The town's water was derived from one of the tributaries to the creek and was collected far up on the hill away from any of the contaminated areas of the Site.

For the second ROD the repositories were updated with the new documents and another public availability session was held. Three of the local newspapers attended and wrote articles in these local newspapers which service the area residents. The public reaction to the second ROD was more positive. The Agency made a decision not to spend more money and the public was in agreement.

To verify the site cleanup action level (70,000 ug/kg for total polynuclear aromatic hydrocarbons), an EPA-owned mobile laboratory was provided at the Westline Site. The onsite analysis was performed using a Gas Chromatographic Flame Ionization Detector (GCFID). Analyses and associated field laboratory QA/QC were accomplished using a modified RCRA Method 8100 analytical protocol. Approximately 10 percent of the samples were shipped to a fixed-base REM III laboratory for analysis to verify the mobile laboratory results.

A total of 133 soil samples were collected and analyzed during the remediation to confirm that the remaining soil met the site action level.

The analytical results for these samples are tabulated in the "Final Project Summary Report for Remedial Action at the Westline Site" dated 1989 for both the mobile laboratory and the fixed-based laboratory.

Operation and maintenance (O&M) activities for the excavated areas were limited only to restoration of the surface features. All excavated areas were backfilled with clean soils and revegetated. The area where the tar pit was behind the church is now an open field area and used for gatherings of cross country skiers in the area. The support areas were cleaned up before demobilization, but some additional soil grading and seeding was done the following summer.

In contrast to the excavation activities the groundwater ROD did call for operation and maintenance activities. As discussed earlier the first samples taken in 1985 indicated high levels of benzene and other gasoline compounds. The second samples taken in 1987 indicated a decrease in benzene concentrations and the 1988 ROD predicted the contaminants would be flushed out by normal groundwater movement towards Kinzua creek.

Operation and maintenance samples were collected by the Regional Field Investigation Team in the summer of 1990 and the results were excellent. The benzene was not detected at all in the originally contaminated well behind the Westline Inn. The other well which had 9 ppb in 1987 had decreased to 2 ppb which is within acceptable limits for EPA's MCLs. Therefore the normal flushing out of the contaminants was successful at this Site.

It is expected, however, that the PADER will conduct one more round of sampling within the next two years just to complete these O&M activities. Pennsylvania has signed a Superfund State Contract (SSC) to conduct one more round of monitoring at the site.

Based on the prior excavation of the two largest lagoons at the site and the revised risk assessment, hazardous substances, pollutants and contaminants were removed from the Site allowing for unlimited use and unrestricted exposure within the Site.

Dated: September 18, 1991.

William T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 91-30067 Filed 12-16-91; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 87-266; FCC 91-334]

Facilities for the Provision of Video Programming by a Telephone Common Carrier in its Telephone Service Area

AGENCY: Federal Communications Commission (FCC).

ACTION: Proposed rule.

SUMMARY: The Commission requests comment on its proposed rule changes and regulatory policy with respect to video dialtone. The Commission proposed alternative regulatory approaches to video dialtone for local exchange carriers and tentatively concluded that the approach that best serves the public interest would consist of video dialtone provided on two levels. The first level would consist of Title II basic regulated services. The second level would consist of enhanced and other non-Title II services subject to competition among service providers. The proposed video dialtone policy will promote the Commission's goals of development of an advanced communications infrastructure, free and open competition and a diversity of information sources.

DATES: Comments must be filed by January 23, 1992. Reply comments are due by February 24, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donna Lampert, Common Carrier Bureau, (202) 632-6363 or Greg Lipscomb, Common Carrier Bureau, (202) 634-1800.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980, as amended, 44 U.S.C. 3501-3520, and found to impose no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements; and will not increase burden hours imposed on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by that Act.

Background

Common Carrier Docket 87-266: Telephone Company/Cable Television